

EXHIBIT

21

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5
6 IN RE: NATIONAL : MDL NO. 2804
7 PRESCRIPTION OPIATE :
8 LITIGATION :
9 :
10 :

11 THIS DOCUMENT RELATES TO : CASE NO.
12 ALL CASES : 1:17-MD-2804
13 :
14 : Hon. Dan A.
15 : Polster

16 - - -

17 February 8, 2019

18 - - -

19 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
20 CONFIDENTIALITY REVIEW

21
22 Continued videotaped deposition
23 of STEPHEN MAYS taken pursuant to notice, was
24 held at the law offices of Reed Smith LLP, Three
25 Logan Square, 1717 Arch Street, Suite 3100,
26 Philadelphia, Pennsylvania, beginning at 11:12
27 a.m., on the above date, before Ann Marie
28 Mitchell, a Federally Approved Certified Realtime
29 Reporter, Registered Diplomate Reporter,
30 Registered Merit Reporter and Notary Public.

31 - - -

32 GOLKOW LITIGATION SERVICES
33 877.370.3377 ph | 917.591.5672 fax
34 deps@golkow.com

1 Justice they were wrong. Correct?

2 MS. McCLURE: Objection to form.

3 THE WITNESS: I don't know.

4 BY MR. PIFKO:

5 Q. Sitting here today, you're not
6 aware of anyone responding to the Department of
7 Justice in connection with this and saying the
8 sales figures you're providing in your letter are
9 incorrect.

10 Would you agree with that?

11 MS. McCLURE: Objection to form.

12 THE WITNESS: Again, I don't know
13 what was said.

14 BY MR. PIFKO:

15 Q. What was your title at this time?

16 A. 2007, I would have -- I believe I
17 was director of regulatory affairs.

18 Q. Were the policies and procedures
19 at the Orlando facility consistent with the
20 company's policies around the country?

21 MS. McCLURE: Objection to form.

22 THE WITNESS: Yes, they were.

23 BY MR. PIFKO:

24 Q. So with respect to diversion

1 MS. McCLURE: Objection, asked
2 and answered.

3 THE WITNESS: Would that be prior
4 to the suspension?

5 BY MR. PIFKO:

6 Q. Yes.

7 A. Is that what you're asking?

8 Q. Yes.

9 A. As I recall, it would be the same
10 as any of the other facilities.

11 Q. Okay. So at the time this letter
12 was sent, AmerisourceBergen's diversion control
13 systems were the same at all of its distribution
14 centers. Correct?

15 MS. McCLURE: Objection to form.

16 THE WITNESS: That's what I
17 recall, yes.

18 BY MR. PIFKO:

19 Q. So anything occurring at this
20 Orlando facility could be occurring at any other
21 distribution center. Correct?

22 MS. McCLURE: Objection, form.

23 THE WITNESS: I disagree.

24 BY MR. PIFKO:

1 Q. What do you disagree?

2 A. Because they're a different
3 customer base, different region of the country.

4 Q. But with respect to
5 AmerisourceBergen's procedures, the same things
6 that are occurring at this facility are the same
7 thing that are occurring at other facilities.

8 Correct?

9 MS. McCLURE: Objection to form.

10 THE WITNESS: As far as our
11 procedures and how -- our policies and
12 procedures, yes, they're -- they would be
13 the same for all of the distribution
14 centers.

15 BY MR. PIFKO:

16 Q. Okay. Did AmerisourceBergen
17 employ any sort of different system to monitor
18 internet pharmacies as opposed to retail
19 pharmacies or chain pharmacies?

20 MS. McCLURE: Objection, form.

21 THE WITNESS: No. As far as a
22 system itself, no.

23 BY MR. PIFKO:

24 Q. So AmerisourceBergen's system

1 used to monitor internet pharmacies was the same
2 system that it used to monitor retail and chain
3 pharmacies. Correct?

4 MS. McCLURE: Objection, form.

5 THE WITNESS: Well, we weren't
6 specifically monitoring internet
7 pharmacies. We were monitoring our
8 customers, our pharmacy customers.

9 BY MR. PIFKO:

10 Q. And that system that was used was
11 the same for all customers, regardless of the
12 type of customers. Correct?

13 MS. McCLURE: Objection to form,
14 asked and answered.

15 THE WITNESS: As I recall, yes.

16 BY MR. PIFKO:

17 Q. Let's go to page 2 of Exhibit 1.

18 A. Okay.

19 Q. So looking at paragraph 4, it
20 says, the bottom of paragraph 4, "Respondent
21 distributed hydrocodone under the following
22 circumstances that should have alerted Respondent
23 that the pharmacies were diverting hydrocodone."

24 Do you see that?